

Appl. No. 09/933,125
Amdt. Dated: August 30, 2005
Reply to Final Action of: March 30, 2005

REMARKS

Applicant wishes to thank the Examiner for reviewing the present application.

Rejection Under 35 U.S.C. § 112, first paragraph.

In the office action, the Examiner has rejected claims 59 to 71 and 84 to 102 as not complying with 35 U.S.C. § 112, first paragraph. Specifically, the Examiner states that the claims as amended contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The Examiner also states that the Applicant may choose to remove the limitations introduced into the claims in Applicant's response of November 18, 2004, and restore the product-by-process language in order to overcome the 35 U.S.C. § 112 rejection.

Based on the Examiner's comments, Applicant has amended claim 59 to include the product-by-process language removed in Applicant's previous response. In addition, Applicant advises that claim 84 has been amended to generally correspond with claim 72 as originally filed. Original claim 72 included product-by-process language. Claims 97 to 102 have been cancelled without prejudice or disclaimer of subject matter. As such, the Examiner's objection to these claims is moot. Applicant also advises that the dependencies of claims 86 to 92, and 94 to 96 have been corrected. Applicant further advises that claims 85 and 93 have been cancelled in view of the amendment of claim 84 which now includes the subject matter of such claims.

In the final action, the Examiner has indicated that if the claims on file are amended to comply with 35 U.S.C. § 112, then the claims may be allowable over U.S. Patent 5,626,988 (the '988 patent). The '988 patent was cited against the present application in the office action dated June 18, 2004. In the final action, the Examiner has pointed out anode design "C" which did not perform as well as the prior art cell. Applicant advises that the present claims have been amended to specify that the organic surfactant is added after the addition of the alkaline

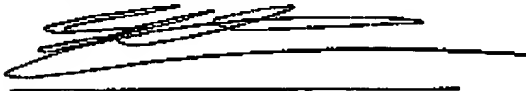
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electrolyte solution. Anode design "C" demonstrated that there was no benefit "in mixing the zinc with surfactant before the addition of electrolyte" (para 0054: last two lines).

In view of these amendments, Applicant respectfully submits that the claims are in compliance with 35 U.S.C. § 112, first paragraph, and that the present application has been placed in condition for allowance.

In view of the foregoing, Applicant respectfully requests early reconsideration and allowance of the present application. The Examiner is invited to contact the undersigned should any further information be required.

Respectfully submitted,



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